

FILED

DEC 20 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES OF AMERICA,)	<u>SUPERSEDING</u>
)	<u>INDICTMENT</u>
Plaintiff,)	
)	
v.)	JUDGE BRIDGET M. BRENNAN
)	
KYLE SMINK,)	CASE NO. <u>1:23-CR-637</u>
)	Title 21, United States Code, Sections
Defendant.)	841(a)(1) and (b)(1)(B); and (b)(1)(C)

COUNT 1

(Possession with Intent to Distribute Fentanyl and Parafluorofentanyl,
21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

The Grand Jury charges:

1. On or about February 28, 2023, in the Northern District of Ohio, Eastern Division, Defendant KYLE SMINK did knowingly and intentionally possess with intent to distribute approximately 44.3 grams of a mixture and substance containing a detectable amount of fentanyl, a schedule II Controlled substance, and parafluorofentanyl, a Schedule I controlled substance and fentanyl analogue, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 2

(Possession with Intent to Distribute Methamphetamine,
21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury charges:

2. On or about February 28, 2023, in the Northern District of Ohio, Eastern Division, Defendant KYLE SMINK did knowingly and intentionally possess with intent to distribute approximately 0.54 grams of a mixture and substance containing a detectable amount

of Methamphetamine, a Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FORFEITURE

3. The allegations contained in Counts 1 and 2 of this Indictment are hereby re-alleged and incorporated by reference, as if stated fully herein, for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853 and Title 28, United States Code, Section 2461(c). As a result of these offenses, Defendant KYLE SMINK shall forfeit to the United States: (i) any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of the drug offenses; and (ii) any and all of his property used - or intended to be used - in any manner or part, to commit or to facilitate the commission of the drug offenses; including, but not limited to, the following:

a.) \$4,363.00 in U.S. Currency, seized on February 28, 2023, from Defendant KYLE SMINK, of which \$1,200.00 was law enforcement controlled buy money, leaving \$3,163 in U.S. Currency for forfeiture.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.